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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

EXAMINER	
ROBINSON BOYCE, AKIBA K	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/010,627
Filing Date: November 08, 2001
Appellant(s): WAUGH, MARTIN

Ariel S. Rogson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/19/07 appealing from the Office action mailed 2/14/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,182,097	HANSEN et al	1-2001
6,065,068	FOOTE	5-2000

5,974,572	WEINBERG et al	10-1999
5,724,521	DEDRICK	3-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 9, 11, 12-14, 19-28, 31, 33, 34-36, 41-50, 53, 55, 56, 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US 6,182,097), and further in view of Weinberg et al, (US 5,974,572).

As per claims 1, 23, 59, Hansen et al discloses:

Retrieving/retrieval software to retrieve a hit record of network traffic data, (Col. 12, lines 1-2, retrieving raw hit records, w/ Col. 4, lines 33-35, shows incorporation of Web Traffic);

Assigning/assignment software to assign the hit record to a visitor, (Col. 12, lines 9-10, distinguishing hit records according to the visit to which they belong, w/ col. 9, lines 16-18, visitor is assigned a visitor tag to each new hit);

Recognizing/recognition software to recognize visit information for the visitor based on the hit record, (Col. 12, lines 10-12, associating a visit index with each filtered

hit record, w/ col. 9, lines 30-32, where it is shown that when each new visitor record data structure is created, an index number is assigned to the visit);

Storing/storing software to store the visit information for the visitor...in a database, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device, in this case, the visit records are analogous to the filtered hit records since Hansen et al shows that a visit index is associated with each filtered hit record, and therefore each filtered hit record is specifically related to a visit. In addition, Hansen's method is related to building a database of information about visits as shown in col. 11, lines 28-29, therefore the step of storing in a storage device leads to the formation of the database structure).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the visit information in a database with the motivation of providing a quick and efficient method to access network usage information.

Hansen et al does not specifically disclose retrieval, assignment, recognition and storing software, but does show the use of a computing device in communication with the first and second Web sites, and operated under the control of Web-browser software. The computing device is responsible for requesting, retrieving and directing a data request to either one of the Web sites in the abstract, lines 13-19, also, throughout the Hansen et al reference, Web software is used to track and identify visits.

However, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to specifically incorporate software to retrieve, assign, recognize and store data into the invention with the motivation of utilizing resources

available in a Web browser computing environment to retrieve, assign, recognize, and store data.

Hansen does not specifically disclose Identifying a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor/ wherein identifying a content group viewed by the visitor includes identifying the content group based on a content viewed by the visitor, but does disclose a content provider for providing content to a viewer in col. 6, lines 46-51.

However, Weinberg et al discloses:

Identifying a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor/ wherein identifying a content group viewed by the visitor includes identifying the content group based on a content viewed by the visitor, (Col. 16, lines 9-14, shows user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text). Weinberg et al discloses this limitation in an analogous art for the purpose of showing that content groups are used to filter types of information on a Web Page.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor with the motivation of showing that information on a Web site can be grouped via content.

As per claims 2, 24, 46, Hansen et al discloses:

retrieving the hit record from a log file, (col. 8,lines 39-41, log file).

As per claims 3, 25, Hansen et al discloses:

retrieving the hit record from the database, (col. 10, lines 1-3, shadow-directory database contains hit information).

As per claims 4, 26, Hansen et al discloses:

wherein recognizing visit information includes assigning the hit record to a visit, (Col. Col. 9, lines 16-18, visitor assigned a visitor tag with each new hit).

As per claims 5, 27, Hansen et al discloses:

wherein assigning the hit record includes selecting the visit based on an Internet Protocol (IP) address within the hit record and a time delta since a previous hit record with the IP address, (Col. 1, lines 63-66, shows that for each hit, a logfile can be maintained and the information collected in this file can include the host address of the visiting client and time of the hit, w/ col. 2, lines 24-26, shows that it is eventually evident that from the examination of a logfile, which hit corresponds to which visit).

As per claims 6, 28, Hansen et al discloses:

wherein assigning the hit record includes selecting the visit based on a cookie within the hit record and a time delta since a previous hit record with the cookie, (col. 8,lnes 13-19, cookie, w/ Col. 1, lines 63-66, shows for each hit, a logfile can be maintained and the information collected in this file can include the time of the hit).

As per claims 9, 31, 48, Hansen et al discloses:

the method further comprising extracting the visit information from a web-based form, (Col 12, lines 3-7, extracting).

As per claims 11, 33, 49, Hansen et al discloses:

the method further comprising eliminating inaccurate counting of visit information from the database, (Col. 8,lines 20-22, misuse of cookies).

As per claim 12, 34, Hansen et al discloses:

wherein eliminating inaccurate counting identifying an open visit, and deleting visit information derived from the open visit, (Col. 8, lines 13-23, disable cookie mechanism).

As per claims 13, 35, Hansen et al discloses:

the method further comprises storing the hit record in a database, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device, in this case, the visit records are analogous to the filtered hit records since Hansen et al shows that a visit index is associated with each filtered hit record, and therefore each filtered hit record is specifically related to a visit. In addition, Hansen's method is related to building a database of information about visits as shown in col. 11, lines 28-29, therefore the step of storing in a storage device leads to the formation of the database structure);

eliminating inaccurate counting further includes regenerating visit information from the hit record in the database for the open visit, (Col. 7, lines 20-22, regeneration each time a Web site is altered).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the visit information in a database with the motivation of providing a quick and efficient method to access network usage information.

As per claims 14, 36, Hansen et al discloses:

detecting an open visit in a current time slice; determining a corresponding visit in an adjacent time slice; and adding visit information from the open visit to the corresponding visit, (Col. 2, lines 21-30, records request chronologically).

As per claims 19, 41, Hansen et al discloses:

wherein retrieving a hit record includes filtering the hit record, (Col. 12, lines 3-7, creating filtered hit record).

As per claims 20, 22, 42, 44, 50, Hansen et al discloses:

the method further comprising purging the visit information from the database/ further comprising purging the hit record from the database, (Col. 2, lines 61-7, Web page giving a user access to usage information, in this case, the visit/hit record information must be purged to the user in order for the user to access this type of usage information).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to purge the visit/hit record information with the motivation of allowing the release of this type of information to one who requests it.

As per claims 21, 43, 47, Hansen et al discloses:

further comprising storing the hit record in the database, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device).

As per claim 45, Hansen et al discloses:

a computer system, (Abstract, lines 13-19, computing system that implements method);

at least one hit record on the computer system, Col. 12, lines 1-2, using the method to retrieve raw hit records);

a database on the computer system, the database designed to store visit information derived from the hit record, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device, in this case, the visit records are analogous to the filtered hit records since Hansen et al shows that a visit index is associated with each filtered hit record, and therefore each filtered hit record is specifically related to a visit. In addition, Hansen's method is related to building a database of information about visits as shown in col. 11, lines 28-29, therefore the step of storing in a storage device leads to the formation of the database structure).

means for deriving visit information from the hit record on the computer system, the visit information including at least one content group viewed by at least one visitor, (Col. 12, lines 10-12, associating a visit index with each filtered hit record, w/ col. 9, lines 30-32, where it is shown that when each new visitor record data structure is created, an index number is assigned to the visit);

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the visit information in a database with the motivation of providing a quick and efficient method to access network usage information.

Hansen does not specifically disclose the visit information including at least one content group viewed by at least one visitor, but does disclose a content provider for providing content to a viewer in col. 6, lines 46-51.

However, Weinberg et al discloses:

The visit information including at least one content group viewed by at least one visitor, (Col. 16, lines 9-14, shows user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text). Weinberg et al discloses this limitation in an analogous art for the purpose of showing that content groups are used to filter types of information on a Web Page.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor with the motivation of showing that information on a Web site can be grouped via content.

As per claims 53, 56, Hansen et al discloses:

Assigning/assignment software to assign a name to the visit information, col. 9, lines 30-32, shows that when each new visitor record data structure is created, an index number is assigned to the visit);

Identifying a uniform resource locator (URL) and a parameter name for the value for the visit information/identification software to identify a uniform resource locator (URL) and a parameter name for he value for the visit information, (col. 5, lines 49-56,

when link on a page is selected, the requested URL is downloaded along with the corresponding usage information);

Specifying/specification software to specify the URL and the parameter name as a source of a value for the visit information, col. 12, lines 10-12, associating a visit index with each hit record, w/ col. 5, lined 56-63, shows that click events for the requested URLs are intercepted, and requests are then dispatched to the servers, w/col. 6, lines 26-31, shows requests are issued during a visit, therefore requests for URLs serves as visit information, which therefore means that the requested URL downloaded along with the corresponding usage information is specified to the servers as visit information); and

Storing/storage software to store the name of the visit information and the source of a value for the visit information in a database, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device, in this case, the name of the visit information is analogous to the visit index associated with filtered hit records, which is part of the filtered hit record and therefore also stored. In addition, Hansen's method is related to building a database of information about visits as shown in col. 11, lines 28-29, therefore the step of storing in a storage device leads to the formation of the database structure).

Hansen et al does not specifically disclose assignment, specifying and storing software, but does show the use of a computing device in communication with the first and second Web sites, and operated under the control of Web-browser software. The computing device is responsible for requesting, retrieving and directing a data request

to either one of the Web sites in the abstract, lines 13-19, also, throughout the Hansen et al reference, Web software is used to track and identify visits.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to specifically incorporate software to assign, specify, and store data into the invention with the motivation of utilizing resources available in a Web browser computing environment to assign, specify and store data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the visit information in a database with the motivation of providing a quick and efficient method to access network usage information.

As per claims 55, 58, Hansen et al discloses:

accessing the value for the visit information for a visitor, (Col. 12, lines 9-10, distinguishing hit records according to the visit to which they belong, w . col. 9, lines 16-18, visitor assigned visitor tag with each new hit); and

linking the visit information, the visitor, and the value for the visit information in the database, col. 9, lines 23-32, visitor data structure created, hit added to the structure and index number assigned to visit).

Claims 8, 10, 30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US 6,182,097), and further in view of Weinberg et al, (US 5,974,572), and further in view of Dedrick (US 5,724,521).

As per claims 8, 30, neither Hansen et al, nor Weinberg et al disclose wherein recognizing visit information includes identifying an advertising campaign that

brought the visitor to a business, but does disclose commercial Web servers that record client requests, and generates a separate entry for each hit in col. 1, lines 60-63.

However, Dedrick discloses:

wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business, (Col. 18, lines 34-39, advertisement title). Dedrick discloses this limitation in an analogous art for the purpose of showing that advertisements are identified by the title, and used to determine if the advertisement falls within a particular consumer scale for visiting the advertisement information.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify an advertising campaign that brought the visitor to a business with the motivation of determining and storing which advertising campaign is associated with a hit record.

As per claims 10, 32, neither Hansen et al, nor Weinberg et al disclose wherein extracting the visit information includes identifying an amount of money spent during a visit, but does disclose commercial Web servers that record client requests, and generates a separate entry for each hit in col. 1, lines 60-63.

However, Dedrick discloses:

wherein extracting the visit information includes identifying an amount of money spent during a visit, (Col. 11, lines 27-29, price of transaction). Dedrick discloses

this limitation in an analogous art for the purpose of keeping a record of what the customer has spent for a transaction for the web content.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include identifying an amount of money spent during a visit with the motivation of determining money spent associated with a hit record.

Claims 15-18, 37-40, 51, 52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US 6,182,097), and further in view of Weinberg et al, (US 5,974,572), and further in view of Foote (US 6,065,068).

As per claims 15-17, 37-39, 52, neither Hansen et al nor Weinberg et al disclose the following, but Hansen et al does show the use of a computing device in communication with the first and second Web sites, and operated under the control of Web-browser software. The computing device is responsible for requesting, retrieving and directing a data request to either one of the Web sites in the abstract, lines 13-19.

However Foote discloses:

using a semaphore on the database for a time range; and releasing the semaphore after the visit information is stored/blocking an operation on the time range until the semaphore is released/using a semaphore ion the database; retrieving the visit information from the database; and releasing the semaphore after the visit information is retrieved, (Col. 5, line 60-Col. 6,line 9, semaphore request time, deny

an access request). Foote discloses this limitation in an analogous art for the purpose of determining the times of subsequent access requests.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use a semaphore on the database for a time range; and releasing the semaphore after the visit information is stored with the motivation of setting a specific time range for accessing visit information.

As per claim 18, 40, 51, neither Hansen et al nor Weinberg et al disclose the following, but Hansen et al does show the use of a computing device in communication with the first and second Web sites, and operated under the control of Web-browser software. The computing device is responsible for requesting, retrieving and directing a data request to either one of the Web sites in the abstract, lines 13-19.

However Foote discloses:

Wherein storing the visit information further includes taking a snapshot of a setting for a database for use in analyzing the visit information, (Col. 36, lines 37-39, snap shot feature, in this case the snapshot captures the state of a module bank for later use as a power up configuration, which is stored in a non-volatile memory, therefore meaning, w/ col. 37, lines 13-25, shows analyzing by showing that the current physical model [of the module bank] is downloaded, but IDs must first be determined as equal). Foote discloses this limitation in an analogous art for the purpose of capturing the state of a module bank for later use as a power up configuration.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the take a snapshot of a setting for a database with the motivation of capturing visit information as it occurred.

(10) Response to Argument

As per claims 1-6, 19, 21, 23-28, 41, 43 and 45-47, appellant argues that while Weinberg does discuss "filter buttons for filtering the content of site maps" (see Weinberg, column 16, lines 9-10), nowhere does Weinberg mention content groups, either explicitly or by implication. However, it is the combination of Weinberg and Hansen that discloses this limitation. Hansen discloses a method for characterizing patterns of usage of a website where hits are organized into visits, and in combination with Weinberg, "content groups" are taught. Specifically, Weinberg discloses a method for generating a load test by using a server access log. In Weinberg, testing occurs according to browsing behaviors of typical users. As shown in the abstract, lines 11-13, user activity and behavioral data is superimposed on the site map. Col, 16, lines 10-27 of Weinberg shows that when the filter button is used, all links and pages of a particular type or status is hidden. It is here that Weinberg teaches that the content of site maps are filtered by showing the function of the content/service filter as filtering out the URLs of content or service types such a HTML forms, images, etc. In Weinberg, content such as "images", can be viewed by the user, and in other words, the content disclosed by Weinberg is grouped as a type of content that can be offered for view or access by the visitor on a Webpage. In addition, appellant argues that the Examiner appears to be analogizing "content groups" as recited in the pending claims with "content type"

described by Weinberg, and further argues that while such an analogy is perhaps understandable given that "content groups" are described as "types of content" in the specification (see page 6, line 23), that "content groups" and "content type" are not the same concept. However, since "content groups" are described as "types of content" in the specification, the examiner has only interpreted the claims in light of the specification, and for examination purposes, has interpreted "content types" of Weinberg to be the same as "content groups" of the claims. Similarly, claims 23 and 45 are rejected, as are claims 2-6, 19, 21, 23-28, 41,43, 45-47, 52 and 59-61, which also depend from claims 1, 23, and 45.

As per claims 9, (and similarly claims 31 and 48), all arguments made above with reference to claim 1 also apply to claim 9. In addition, the appellant argues that Hansen does not disclose extracting the visit information from a web-based form, but only discloses "extracting selected information from said raw hit records, thereby to create, from each raw hit record, a filtered hit record, the selected information including information identifying the Web component to which the respective hit record pertains" (see Hansen, column 12, lines 3-7). Appellant also argues that the Examiner is arguing from the general to the specific since in the final rejection, examiner argues that a Web-based form is a Web component. However, in Col 12, lines 3-7 of Hansen, the extraction includes selected information identifying the Web component to which the hit pertains. In this case, the hit record being extracted from the Web component is analogous to extraction from a web-based form since both are used as guidance structures in relation to Web-related visit information. In addition, to clarify examiner's

argument from the final rejection, examiner concludes that Hansen teaches a Web-based form since a Web-based form is a Web component, and vice versa. Similarly, claims 31 and 48 are rejected, as are claims 10 and 32, which also depend from claims 9 and 31.

As per claims 11, (and similarly claims 33 and 49), all arguments made above with reference to claim 1 also apply to claim 11. In addition, the appellant argues that Hansen has nothing to do with eliminating inaccurate counts, but discloses the use of cookies, which is likely to increase count inaccuracy. Hansen does discloses the use, and misuse of cookies in col. 8, lines 20-22, which allows the user to disable the cookie mechanism, which in turn leads to tracking without using cookies as disclosed in the next couple of lines. As described by Hansen, tracking without using cookies focuses on assigning a unique number to the user so that each time a hit is made by that user, the unique number is taken into account, which in turn solves the issue of producing erroneous results for user hits by providing robust tracking of visitors. Appellant argues that presumably, when the user first visits a target web site, the "unique number" would be assigned. Many web sites accomplish this by storing the "unique number" in the URL, which is carried from link to link within the web site. But what if the user leaves the target web site (for example, by closing his or her Internet browser), then returns to the target web site a few moments later? As the Examiner's description does not explain how the user can be assigned the same "unique number" (since no cookies are used), the user would be assigned a different "unique number". This means that multiple hits from the user would be tracked with different "unique numbers", and the visit information

would be incorrectly tallied. However, this argument is moot due to the fact that Hanson discloses both the use and misuse of cookies, and during the use of cookies, the user would not be assigned a different "unique number". In addition, appellant argues that , even assuming the Examiner's described solution were operable, it would not eliminate inaccurate counting of visit information from the database, but would "prevent" an inaccurate count in the first place. However, if the inaccurate counting is prevented in the first place, it would never take place, thereby eliminating the inaccurate counts.

As per claims 13, (and 35), appellant argues that Hansen does not disclose regenerating visit information. However, Hansen describes conventional methods of regenerating usage information in order to keep track of this information if large traffic areas. Therefore, according to Hansen, it is old and well known to regenerate visit information. In addition, specifically, in Col. 7, lines 20-22, Hansen teaches that "'specialize a reporting software.., would have to be regenerated each time the Web site was altered". Appellant argues that in this passage, there is a pre-condition described in Hansen for regeneration: the website has to be altered, and in the claims, no such pre-condition exists, and further argues that the cited portion of Hansen refers to regenerating software, not visit information. However, a pre-condition does exist for the present invention. If one looks at claim 12 of the present invention, one will realize that the visit information derived form the open visit needs to first be deleted, which is analogous to altering the Web site since the Web site is where the user visits, and if the visit information is deleted, this is the same as altering. In addition, if one looks at this reporting information of Hansen involves reporting visit information for the sites, and if

the reporting software is regenerated, this means that all information already generated by the reporting software would also have to be regenerated.

As per claims 14 (and 36), these claims depend from claims 1 and 11 and are therefore still rejected for the same reasons. In addition, appellant argues that requesting records chronologically has nothing to do with detecting an open visit in a time slice, since an open visit is a visit from an earlier import operation to which a hit record is assigned. However, Col. 2, lines 21-30, of Hansen discloses that all record requests [for a visit] are recorded chronologically. Because of this type of recordation, each request [for a visit] occurs in a time sequence, and therefore, a first recorded request occurs earlier than a second recorded request. In this case, the first recorded request is analogous to the earlier import operation.

As per claims 20, (and 22, 42, 44, 50), this claim depends from claim 1, and is therefore still rejected for the same reasons as discussed with respect to claim 1. In addition, the appellant argues that Hansen does not disclose purging the hit record from the database. However, in Col. 2, lines 61-7, Hansen discloses a Web page giving a user access to usage information, in this case, the visit/hit record information must be purged in order for the user to access this type of usage information, reason being that the information must be cleared from the database before being transmitted to the user.

As per claims 53 (and 56), the appellant argues that Hansen does not disclose "identifying a uniform resource locator and a parameter name for the value for the visit information". However, in col. 5, lines 49-56 of Hansen, does teach synchronization, and discusses that when link on a page is selected, the requested URL is downloaded

along with the corresponding usage information. In the previous paragraph of Hansen, prior to the discussion about synchronization, Hansen points to Figs 1, and 1A-1C for an example as to how usage statistics (information) are accessed. Specifically, as per Fig. 1A, Hansen shows a Web page where parameter names such as "Get the context" and "Meet Nelson Roldan" are displayed once WWW.UWU.COM or Fig 1. is visited. Therefore, both the url for WWW.UVU.COM, and the parameter names "Get the context" and "Meet Nelson Roldan", which correspond to the url are downloaded.

As per claims 8 and 30, the applicant argues that Hansen does not disclose "wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business". Specifically, applicant argues that Dedrick can identify the advertising campaign that "sends" a user to a business web site, but does not provide any way for the business to identify the advertising campaign the "brought" the visitor to the business. However, in Col. 18, lines 34-39 of Dedrick, the advertisement title is transmitted to the yellow page server. In Col. 3, lines 11-16 of Dedrick, it is shown that the yellow page server is coupled to the publisher unit and that the transfer of electronic information takes place between the two. Therefore the business (publisher) has access to information in the yellow page server, which includes the advertisement title, thereby causing the publisher to identify the advertising campaign.

As per claims 59 (and 61) , this claim depends from claim 1, and is rejected for the same reasons as discussed with respect to claim 1. In addition, appellant argues that in the Office Action dated February 14, 2007, the Examiner indicates that claim 59 is rejected under 35 U.S.C. § 103(a) over Hansen in view of Weinberg, however, the

Examiner gives no specific explanation as to why claim 59 is rejected, and the only arguments regarding the patentability of claim 59 is the argument submitted by the Applicant in the response to the Office Action dated September 22, 2006. However, the examiner has made the correction to the rejection. Claim 59 was rejected under the same heading as claim 1 as being rejected over Hansen in view of Weinberg, however examiner has specifically included claim 59 as being rejected with claim 1 to clarify the rejection, but has not changed the basis for the claim. Specifically, claim 59 recites "wherein identifying a content group viewed by the visitor includes identifying the content group based on a content viewed by the visitor". However, this limitation goes right along with "identifying a content group" since specifically, Weinberg et al discloses that a user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text in Col. 16, lines 9-14 as discussed with respect to claim 1. In this case, in order for the user to filter the content, the content must be viewed by the user visiting the page.

As per claim 8 (and 30), this claim depends from claim 1, and is therefore rejected for the same reasons as claim 1. In addition, appellant argues that prior art does not disclose "wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business" and discloses that while Dedrick mentions advertisements, this does not mean that Dedrick teaches identifying the advertising campaign that brought the visitor to the business. However, Dedrick discloses advertisements for targeting end users viewing advertisements. Col. 18, lines 34-39 shows that advertisements are transmitted to the yellow page server, which is

then advertised to the user based on a consumer scale in relation to user profile characteristics. In addition, col. 18, line 65-Col. 19, line 4 shows that the advertiser gets sent a bill and the profiles of users who view the advertisement. Since these advertisements are shown based on user profile, this means that this particular advertisement brought a particular user with a certain profile to view the advertisement, which brings business to the advertiser since the advertiser gets paid for user viewings. Since the profile is sent to the advertiser upon the user viewing the advertisement (bringing business to the advertiser), this means that the advertiser is notified as to what advertisement is being viewed, and therefore what advertisement brings the advertiser its business.

As per claims 15-18, 37-40, 51, 52, Appellant argues that Foote is not analogous art, and can not be combined with Hansen and Weinberg. However, Foote is analogous art since it discloses a system for monitoring activity on a network bus. As shown in col. 34, line 66-Col. 35, line 3, the Watch Dog watches for this type of activity. As in Hansen and Weinberg, activity on a network is monitored, although Hansen and Weinberg specifically disclose that the network is the Internet. In addition, KSR forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Claims 15-18, 37-40, 51, 52 recited combinations which only unite old elements with no change in their respective functions and which yield predictable results. Thus, the claimed subject matter likely would have been obvious under *KSR*.

As per claim 15, (37 and 52), this claim depends from claim 1, and is rejected for the same reasons as claim 1. In addition, appellant argues that prior art used does not disclose a semaphore since the Foote reference is not analogous art. However, as described in the preceding paragraph, Foote is analogous art since it discloses a system for monitoring activity on a network bus. As shown in col. 34, line 66-Col. 35, line 3, the Watch Dog watches for this type of activity. As in Hansen and Weinberg, activity on a network is monitored, although Hansen and Weinberg specifically disclose that the network is the Internet. According to appellant, the semaphore as claimed releases when the visit information is stored/retrieved. However, in Col. 5, line 60-Col. 6,line 9, Foote discloses the semaphore request time, for the purpose of determining the times of subsequent access requests on a network bus. In this case, when an access request takes place, the semaphore information on the time of access is released.

As per claims 16 (and 38), this claim depends from claim 1, and is rejected for the same reasons as claim 1. In addition, appellant makes similar arguments as disclosed with respect to claim 15 (37 and 52), and this claim is therefore rejected for the same reasons.

As per claims 17 (and 39), this claim depends from claim 1, and is rejected for the same reasons as claim 1. In addition, appellant makes similar arguments as disclosed with respect to claim 15 (37 and 52), and this claim is therefore rejected for the same reasons.

As per claims 18, (40 and 51), this claim depends from claim 1, and is rejected for the same reasons as claim 1. Also, appellant argues that prior art used does not disclose a snapshot in analyzing visit information, but instead allowing a user to capture the state of a module bank for later use as a power up configuration upon the next power-up event. According to appellant, Foote's snapshot is limited to power-up configuration at the next power-up event. However, Foote also discloses that the snapshot [of the module bank] is stored in a non-volatile memory, and also shows analyzing it through having the current physical model [of the module bank] downloaded in col. 37, lines 13-25. In Foote, the snapshot image stores the state of the network module itself. Upon power up configuration, access request take place on the network bus, and represents the visit information since the access requests of Foote are those that are monitored. Foote therefore discloses a snapshot/analysis of the access request, and therefore the visit information.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Akiba Robinson-Boyce

Conferees:

John Hayes

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Igor Borissov